## REMARKS

Claims 1-46 were pending in the present application. Applicants appreciate the indication that Claims 19-44 stand allowed. Claims 1-10, 18, and 345 have been amended, Claim 11 has been canceled, and Claims 47-48 have been added, leaving Claims 1-10, and 12-48 for consideration in the present amendment. No new matter has been introduced by these amendments.

For example, support for the amendment of Claims 1-9 comes at least from paragraphs [0014] –[0016] and [0032]; for the amendment of Claim 10 from paragraphs [0014]-[0018], and [0035]-[0038]; and for the amendment of Claim 45 from paragraphs [0032], [0035], and [0045]. Claim 18 has been amended to depend upon Claim 10 instead of canceled Claim 11. Support for new Claim 47 can be found at least in paragraphs [0012], [0014]-[0016], [0027], and [0029]; and support for new Claim 48 can be found at least in paragraphs [0012], [0014]-[0018].

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

## Claim Rejections Under 35 U.S.C. § 102(b) and/or 103(a)

Claims 45 and 46 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 3,888.826 to Yamana et al. (Yamana).

Applicants' Claim 45 recites a method for forming a polycarbonate, which comprises: reacting a carbonyl compound with an aromatic hydroxy compound in the presence of a functionalized mesoporous zeolite composition comprising structural units of the formulae:

$$n(0)$$
  $n(0)$   $n(0)$ 

wherein "B" and "C" are spacer groups comprising C<sub>2</sub> to C<sub>20</sub> hydrocarbyl groups, and R<sup>1</sup> and R<sup>2</sup> independently comprise an alkali metal, a hydrogen, or a C<sub>1</sub> to C<sub>20</sub> alkyl group to produce an aromatic bisphenol; and reacting the aromatic bisphenol with a carbonate precursor. Claim 46 depends from Claim 45 and includes all of the limitations therein.

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. Lewmar Marine Inc. v. Barient, Inc., 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988).

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that <u>all elements</u> of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Yamana fails to disclose a method of making polycarbonates using a functionalized mesoporous zeolite catalyst of the type described above. Moreover, there is no suggestion of using the functionalized mesoporous zeolite catalyst as claimed by Applicants.

In view of the foregoing, the rejection is requested to be withdrawn.

## Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1-5, 7, 10, and 12-17 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,331,500 to Tsuji et al. (Tsuji).

With regard to Claim 1 and claims dependent thereon, the Tsuji reference neither teaches nor suggests a functionalized *mesoporous* zeolite composition comprising structural units of the formulae:

wherein "B" and "C" are spacer groups comprising  $C_2$  to  $C_{20}$  hydrocarbyl groups, and  $R^1$  and  $R^2$  independently comprise an alkali metal, a hydrogen, or a  $C_1$  to  $C_{20}$  alkyl group.

With regard to Claim 10 and claims dependent thereon, the Office Action alleges that Tsuji et al. at Column 7, lines 55-65 teaches that the molecular sieves may include further functionalization with a metal or metal containing ion including aluminum or titanium. However, upon a careful reading of Tsuji, this reference actually discloses "further functionalization may include the formation of a coordination complex between the incorporated organic moiety and a metal or metal-containing ion". As such, Tsuji fails to teach or suggest functionalized zeolites comprising structural units of the formulae (IV) or (V) as claimed by Applicants.

In view of the foregoing, Applicants respectfully request that the rejections of claims 1-5, 7, 10, and 12-17 be withdrawn.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and place the application in condition for immediate allowance, which action is earnestly solicited.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0893 maintained by Assignee.

Respectfully submitted,

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